

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Sang-Ho LEE

Group Art Unit: 2622

Appln. No. : 10/720,350

Examiner: Michael Lee

Filed : November 25, 2003

Confirmation No. 3895

For : DRIVING ASSEMBLY OF AUDIO/VIDEO SYSTEM FOR A VEHICLE

**RESPONSE TO INTERVIEW SUMMARY, CONFIRMATION OF WITHDRAWAL OF
NOTICE OF NON-RESPONSIVE AMENDEMENT AND REQUEST FOR NEW OFFICE
ACTION**

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Amendment
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

Responsive to the communication mailed by the U.S. Patent and Trademark Office in the above-captioned application on December 24, 2008, in which a one month shortened statutory period for responding thereto runs to January 26, 2009 (January 24, 2009 falling on a Saturday), reconsideration and allowance of the present application is respectfully requested in view of the following:

Remarks begin on page 2 of this paper.

REMARKS

In the Communication mailed by the Examiner, the Examiner asserted that the Response under 37 C.F.R. §1.111 filed on September 24, 2008 is not fully responsive. More particularly, the Examiner asserted that a cursory review of the double-patenting rejection without further consideration is not considered a Response. In the Response Under 37 C.F.R. §1.111 filed on September 24, 2008, a response to the double-patenting rejection was made on page 8. Accordingly, Applicant's representative Ms. Monica Ullagaddi telephoned the Examiner on January 6, 2009 to bring the response to the double-patenting rejection on page 8 of the filed response to the Examiner's attention.

During the telephone conversation with the Examiner on January 6, 2009, it was pointed out that arguments were made on page 8 of the September 24, 2008 filed Response, and argued that the Applicant is not required to submit a Terminal Disclaimer to overcome a double-patenting rejection insofar as the claims pending in the above-entitled patent application (i.e., claims 1, 16 and 21) may be further amended prior to an indication of allowability of the claims, and accordingly, may obviate the double patenting rejection. The Examiner indicated that Applicant's arguments in the filed Response regarding the rejection of the claims over the prior art may be persuasive in which case, the double patenting rejection would remain the only issue in the above-referenced application. The Examiner was asked to provide a paper confirming this statement.

However, in the Interview Summary dated January 14, 2009, the Examiner asserted that he did not agree that the double-patenting rejection was addressed. In the Interview Summary,

the Examiner indicated that Applicant acknowledged the rejection, but took no action (i.e., by filing a Terminal Disclaimer).

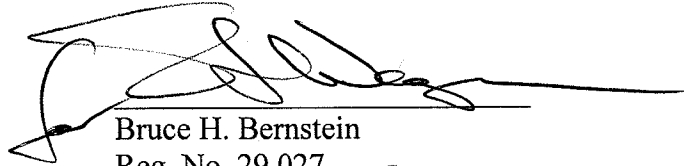
In a telephone conversation with Supervisory Patent Examiner Ometz on January 15, 2009, with another representative of Applicant, Mr. Steve Wegman, Mr. Ometz agreed that the Notice of Non-Responsive Amendment was improper. Supervisory Patent Examiner Moetz agreed that the traversal of the double patenting rejection was a proper response, as the Examiner had not provided any indication, on the record, that the pending claims are allowable. Accordingly, Supervisory Patent Examiner Ometz indicated that the Notice of Non-Responsive Amendment would be withdrawn and that he would have Examiner Lee issue a new action. However, a review of the Patent Application Information Retrieval website indicates that such an action has not been issued. Accordingly, Applicant respectfully requests confirmation of the withdrawal of the Notice of Non-Responsive Amendment and the issuance of a new Office Action.

Applicant again submits that the filing of a Terminal Disclaimer to overcome the outstanding double-patenting rejection at this time is premature, and is not appropriate until the double-patenting rejection remains the only issue in the case, insofar as the Examiner has not indicated the claims to be allowable but for the double-patenting rejection.

Should the Commissioner determine that an extension of time is required in order to render this response timely and/or complete, a formal request for an extension of time, under 37 C.F.R. §1.136(a), is herewith made in an amount equal to the time period required to render this response timely and/or complete. The Commissioner is authorized to charge any required extension of time fee under 37 C.F.R. §1.17 to Deposit Account No. 19-0089.

If there should be any questions concerning this application, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,
Sang Ho LEE



Bruce H. Bernstein
Reg. No. 29,027

Steven Wegman
Reg. No. 31,438

January 26, 2009
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191